

REMARKS

The Office Action mailed May 19, 2004 has been reviewed and carefully considered. Claims 1-6 and 9-16 remain pending in this application, of which the independent claims are 1 and 11. Steps (d)(i) and (e) of claim 1 have been amended for a minor informality, as is clear from step (c)(ii). Reconsideration of the above-identified application, as amended and in view of the following remarks, is respectfully requested.

Claim 1 is now amended to correct an inadvertent informality, in conformity with step (c) (ii) and FIG. 3 step H130, to recite that the determination is whether the targeted BTS belongs to the home zone. The Examiner has recognized this obvious error, as seen in the first paragraph of item 4 of the Office Action, for example.

Claims 1 and 9-16 stand rejected under 35 U.S.C. § 103 (a) as allegedly unpatentable over U.S. Patent No. 6,073,010 to Dufour in view of U.S. Patent No. 6,544,253 to Chow et al. ("Chow").

Claim 1 as amended recites: . . .

(a) establishing a call connection between said MS and a BTS (Base Transceiver Station) providing the home zone service, wherein a home zone pertaining to the home zone service is defined by a fixed network in which the MS is further registered for use; . . .

(c)(i) causing said BSC to receive a home zone information of said MS from an MSC (Mobile Switching Center) wherein the home zone information

pertains to said home zone and includes a home zone list and a subscriber class of said MS; . . .

Item 1 of the Office Action implicitly acknowledges in its reference to step (a) of claim 1 that Dufour fails to disclose or suggest “wherein a home zone pertaining to the home zone service is defined by a fixed network.”

By contrast, the Dufour fixed subscription area (FSA) is defined “as one or more regions of cells within which fixed subscribers are allowed to roam and receive and place calls.” (col. 1, lines 59-61). “Fixed subscribers” are subscribers “with geographically limited access rights . . . and are generally equipped with either a fixed cellular terminal or a mobile station.” (col. 1, lines 34-36). As Dufour explains, “operators may now offer subscribers a choice of subscription areas such as having cellular service only in a downtown area, or for a higher cost, having service which includes both the downtown area and the suburbs as well” (col. 1, lines 30-33). Dufour relates to dropping an ongoing phone call when it wanders outside of the FSA (col. 3, lines 38-42).

Chow mentions that its home zone may be approximately the same size as the subscriber’s fixed-network home zone, to allow the subscriber to give up the landline (col. 1, lines 59-65). However, a Chow subscriber is not stuck with the prospect of losing an ongoing phone call, as long as the Chow subscriber is located within either the home zone or any subscribed-to visiting zone (col. 2, lines 46-61). The Chow subscriber can therefore select a comfortable distance at which an ongoing call is to be dropped, independent of any fixed-network parameters.

Item 1 of the Office Action suggests that motivation exists, based on Chow, to limit the Dufour FSA to the boundaries of the subscriber's fixed-network home zone. Presumably, then, when the Dufour/Chow subscriber roams past his/her fixed-network home zone, any ongoing phone call is dropped. In effect, what is being suggested by the Office Action is that the Chow radius within which the subscriber would like to be able to continue the phone call be ignored, and that the Dufour/Chow subscriber be forced to accept the fixed-network home zone boundary for any ongoing phone call. It is hard to imagine what would motivate such a modification of Dufour.

Even if Chow visiting neighborhood zones (VNZs) were introduced into Dufour to allow the ongoing call to continue, it is hard to imagine what would have motivated limiting the Dufour FSA to a fixed-network home zone.

Item 1 of the Office Action states that "Dufour and Chow are combinable because they are from the same field of endeavor." This comment, however, falls short of explaining what would have motivated modifying Dufour to consider dropping an ongoing phone call at the borders of a fixed-network home zone.

Since the Dufour home zone extends, for example, over an urban area and possible a suburban area in addition, it is likely that the Dufour subscriber has no need for a landline phone. Accordingly, it is unclear what would motivate limiting, based on Chow, the Dufour FSA to the borders of the fixed-network home zone.

Item 1 of the Office Action also states "it would have been obvious . . . to modify Dufour to include Chow." However, it is unclear what motivation would

have existed.

Item 1 of the Office Action additionally states that the “motivation for this combination would have been to provide the specific handoff steps of Chow to Dufour in order to more efficiently restrict or allow a potential hand-off.”

Firstly, the “specific handoff steps,” which item 4 of the Office Action cites as being disclosed at column 7, lines 33-335, 38-47 of Chow do not appear in the reference. At best, Chow only discloses disconnecting the subscriber’s on-going call when the subscriber roams outside its home, and any visiting, zone.

Secondly, the Office Action fails to offer any explanation as to how modifying Dufour in view of Chow would have served to increase the “efficiency” of Dufour.

Item 4 of the Office Action then says, “the Examiner contends that the rejection is proper as both references deal with handoff from a fixed home zone service area.” This appears to be the best the Office Action can do in its futile attempt to offer motivation.

In addition, as item 1 of the Office Action acknowledges, Dufour fails to disclose or suggest step (d)(ii), namely:

“determining whether said MS is registered to be used only in the home zone or not by retrieving the subscriber class when said hand-off targeted BTS does not belong to the home zone.”

Item 1 of the Office Action cites column 7, lines 33-35 and 38-47, of Chow purported to disclose step (d)(ii), and then suggests that the motivation “to modify

Dufour to include Chow” would have been “to provide the specific handoff steps of Chow to Dufour in order to more efficiently restrict or allow a potential hand-off.”

The applicant interprets this commentary as suggesting that modifying Dufour in view of Chow would either improve Dufour, or supplement Dufour by supplying steps not mentioned in Dufour.

Problematically, however, the Office Action appears to also be suggesting first and second phrases of step (d)(ii), i.e. the phrases beginning with the word “determining” and “when” respectively, correspond to step 22 of Dufour FIG. 2A and step 33 of Dufour FIG. 2B. In particular, some of the processing paths from step 22 lead to step 33, but not such that Dufour could be described as disclosing step (d)(ii).

For one thing, the flow of processing is backwards – step (d)(ii) could, at best, be characterized as suggesting something akin to a processing flow from step 33 to step 22, whereas Dufour is designed only for flow from step 22 to step 33, even the latter flow being subject to certain other conditions being met. Moreover, the Office Action fails to offer what could pass for meritorious attempt to state motivation for the proposed combination of prior art references.

In addition, the applicant notes that the present invention advantageously frees the HLR or VLR from the burden of storing subscriber profiles, such storage being a feature of Dufour. Instead, in the present invention, these registers receive the home zone information from the subscriber’s database and transfer the home zone information to the MSC (specification, page 8, lines 1-4).

Furthermore, the Office Action relies on a general statement in Dufour that functionality may be distributed (col. 5, lines 38-47) to supply all of the details of steps (c)(i) and (c)(ii) of claim 1 of the present invention. No motivation is stated for configuring Dufour/Chow to meet these specific limitations.

The applicant submits that, for at least all of the above reasons, it would not have been obvious to modify Dufour in view of Chow in a way that meets the limitations of claim 1.

As to claim 11, it similarly recites:

“ . . . a mobile switching center (MSC) for connecting said BSC with one BTS to another BTS or another network, wherein said BTS provides the home zone service and a home zone pertaining to the home zone service is defined by a fixed network in which the MS is further registered for use . . . ”

For at least the corresponding reasons as set forth with regard to claim 1, the applicant likewise submits that the proposed Dufour/Chow combination does not render obvious claim 11.

Claims 9-10 and 12-16 depend from base claims 1 and 11, respectively, and are deemed to be patentable over the two references for at least the same reasons.

Claims 2-6 stand rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Dufour in view of Chow and U.S. Patent No. 6,044,261 to Kazmi.

Claims 2-6 depend from claim 1. Kazmi cannot compensate for the shortcomings of Dufour with respect to the limitations regarding a fixed network nor the limitations regarding the hand-off targeted BTS. For at least these reason,

claims 2-6 are deemed to be non-obvious over the applied references.

In view of the preceding remarks, the applicant respectfully submits that the invention as recited in claims 1-6 and 9-16 is neither anticipated nor made obvious by Dufour, Chow or Kazmi alone or in combination. If any unresolved issues remain, the Examiner is invited to call the Applicant's attorney in order that any outstanding issues may be resolved. If there are any fees due and owing, please charge Deposit Account No. 502-470.

Early and favorable reconsideration is respectfully requested.

Respectfully submitted,

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